

REPLY TO
ATTENTION OF:

DAEN-REM-C

31 January 1986

SUBJECT: Army and Air Force Authority to Dispose of Underground Water Without the Land (FMR 101-47.302-2)

SEE DISTRIBUTION

1. Reference:

- a. 50 Federal Register 28402-28403, SAB (Encl).
- b. AR 405-90, Disposal of Real Estate, 10 May 85.
- c. AFR 87-4, Disposal of Real Property, 23 Apr 71.
- d. ER 405-1-12, Chapter 11, Disposal, 10 Nov 85.

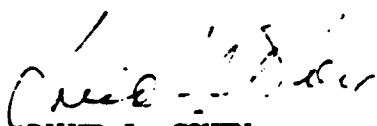
2. Reference a expressly authorizes holding agencies to dispose of underground water without the land in the same manner as standing timber and embedded sand gravel, and stone. The authority is effective 12 Aug 85. It does not apply to underground water in withdrawn public domain lands. It applies to military and civil works real estate.

3. Sales of underground water will be conducted in accordance with the principles established by references b and c concerning declaration of excess, competition, consideration, and similar matters. Also, in each case a prior legal determination will be made by the appropriate Corps of Engineers Division or District that the underground water is owned by the United States and is under the control of the Federal Agency seeking to report it for disposal.

4. All cases of such disposals will be forwarded to DAEN-REM for appropriate action.

FOR THE COMMANDER:

Enclosure



DAVID L. COHEN
Chief, Management and Disposal Division
Directorate of Real Estate

CF:
HQ, USAF/LEER

41 CFR Part 101-47

(FPMR Amdt. H-154)

Holding Agency

AGENCY: Federal Property Resources Service, GSA.

ACTION: Final rule.

SUMMARY: This rule amends the regulation covering property for which the holding agency is designated the disposal agency. The list is amended to include underground water.

EFFECTIVE DATE: July 12, 1985.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (202-535-7067).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or

other or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-47

Surplus Government property;
Government property management.

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

1. The authority citation for Part 101-47 continues to read as follows:

Authority: Sec. 205, title 41, U.S.C. (41 U.S.C. 480(a)).

Subpart 101-47.3—Surplus Real Property Disposal

2. Section 101-47.302-2 is amended by revising paragraph (a)(3) to read as follows:

101-47.302-2 Holding agency.

(4) Standing timber and embedded gravel, sand, stone, and underground water to be disposed of without the underlying land.

Dated: June 19, 1985.

Dwight Ink.

Acting Administrator of General Services
(FR Doc. 85-19845 Filed 7-11-85; 845-00)

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